

By: Lewis

H.B. No. 2748

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the burden of proof in proceedings in district,
3 statutory county court, and county courts; involving the
4 determination of common carrier status.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 Section 1. Title 7, Civil Practices and Remedies Code, is
7 amended by adding new Chapter 174 as follows:

8 Section 174.001 DESIGNATION OF COMMON CARRIER. (a) A
9 determination by the commission that an entity is a common carrier,
10 as defined under Section 111.002 of the Natural Resources Code, is
11 not conclusive on that issue in a proceeding in district, statutory
12 county court, and county courts, unless the commission has made
13 that determination after notice, a hearing, and the opportunity to
14 appeal.

15 (b) A commission decision made pursuant to this Section may
16 be appealed pursuant to Government Code Section 2001.171.

17 (c) The commission shall adopt rules necessary to
18 effectuate the provisions of this chapter.

19 Section 3. This Act takes effect September 1, 2013.